

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>M80804128</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/AU2004/001806</b>	International filing date ( <i>day/month/year</i> ) <b>22 December 2004</b>	Priority date ( <i>day/month/year</i> ) <b>23 December 2003</b>
International Patent Classification (IPC) or national classification and IPC  <b>Int. Cl. E02D 27/01 (2006.01) E02D 27/02 (2006.01)</b>		
Applicant  <b>THE AUSTRALIAN STEEL COMPANY (OPERATIONS) PTY LTD et al</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.  
This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☐ (*sent to the applicant and to the International Bureau*) a total of     sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s))     , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:
- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input checked="" type="checkbox"/> | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

Date of submission of the demand <b>17 October 2005</b>	Date of completion of this report <b>03 April 2006</b>
Name and mailing address of the IPEA/AU <b>AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929</b>	Authorized Officer  <b>E.J. MARTYN</b> <b>Telephone No. (02) 6283 2332</b>

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**Box No. I Basis of the report**

1. With regard to the language, this report is based on:

- ☒ The international application in the language in which it was filed
- ☐ A translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- |        |  |
|--------|--|
| pages  | as originally filed/furnished                          |
| pages* | received by this Authority on _____ with the letter of |
| pages* | received by this Authority on _____ with the letter of |
- ☐ the claims:
- |        |   |
|--------|---|
| pages  | as originally filed/furnished                             |
| pages* | as amended (together with any statement) under Article 19 |
| pages* | received by this Authority on _____ with the letter of    |
| pages* | received by this Authority on _____ with the letter of    |
- ☐ the drawings:
- |        |  |
|--------|--|
| pages  | as originally filed/furnished                          |
| pages* | received by this Authority on _____ with the letter of |
| pages* | received by this Authority on _____ with the letter of |

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**Box No. IV Lack of unity of invention**

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has, within the applicable time limit:
- ☐ restricted the claims
  - ☐ paid additional fees
  - ☐ paid additional fees under protest and, where applicable, the protest fee
  - ☐ paid additional fees under protest but the applicable protest fee was not paid
  - ☐ neither restricted the claims nor paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

- ☐ complied with.
- ☒ not complied with for the following reasons:

The separate groups of invention are:

Claims 1 – 11 are directed to a cavity former wherein the hollow body has a first wall, a depending skirt wall about the periphery of the first wall, and structure defining, within said periphery, at least one depending hollow pillar formation for in situ bracing said first wall to an underlying surface on which said skirt wall also rests.

Claims 12 and 13 are directed to a cavity former wherein the hollow body has a first wall, and a depending skirt wall about the periphery of the first wall, and is configured to allow nesting of said cavity former with a second similar cavity former.

Claims 14 and 15 are directed to a cavity former wherein the hollow body has a first wall, and a depending skirt wall about the periphery of the first wall, and a pair of intersecting upstanding ribs formed integrally on the outer surface of said first wall for supporting reinforcing mesh above said hollow body.

Claims 16 - 19 are directed to a cavity former wherein the skirt wall includes at least one outstanding upturned tab for interlocking with a skirt wall of a similar cavity former so as to inhibit relative movement of individual cavity formers during pouring of wet concrete.

Since the abovementioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 1 - 19	YES
	Claims	NO
Inventive step (IS)	Claims 1 - 19	YES
	Claims	NO
Industrial applicability (IA)	Claims 1 - 19	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)**

Novelty (N) and Inventive Step (IS) claims 1 - 19

**Claims 1 - 19**

The invention of the claims is a cavity former, for forming one or more cavities in a concrete slab. No individual citation or obvious combination of citations disclose any of the following features:

In claim 1, at least one depending hollow pillar formation for in situ bracing a first wall to an underlying surface on which a skirt wall also rests;

In claim 12, a hollow body has a first wall, and a depending skirt wall about the periphery of the first wall, and is configured to allow nesting of said cavity former with a second similar cavity former, and thereby to allow stacking of a multiplicity of said cavity formers;

In claim 14, a hollow body has a first wall, a depending skirt wall about the periphery of the first wall, and a pair of intersecting upstanding ribs formed integrally on the outer surface of said first wall for supporting reinforcing mesh above said hollow body; and

In claim 16 a skirt wall includes at least one outstanding upturned tab for interlocking with a skirt wall of a similar cavity former so as to inhibit relative movement of individual cavity formers during pouring of the wet concrete.

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**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

The closest prior art are:

AU 48706/00 (727665) B

AU 48707/00 (727681) B

AU 46057/93 A

AU 67009/86 (584769) B.

Therefore the subject matter of these claims is new and not obvious and meets the requirements of Article 33(2) and 33(3) PCT with regard to novelty and inventive step.

Industrial Applicability (IA)

The invention defined in the claims is considered to meet the requirements of Industrial Applicability under Article 33(4) of the PCT because it can be made by, or used in, industry.

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